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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	M	ATTORNEY DOCKET NO.
08/766,307	12/13/96	RIGGIN		

LM02/1027

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GECKE EXAMINER

ART UNIT	PAPER NUMBER
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10/27/98

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/1766,307

Applicant(s)

Mark D. Riggins et al

Examiner

Geckel

Group Art Unit

2756

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 (three) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 8/17/98
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-30 and 38-50 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-30 and 38-50 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☒ The proposed drawing correction, filed on 8/17/98 is ☒ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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1. Claims 1-30 and 38-50 are presented for examination.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-30 and 38-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber.

4. Weber (5,812,668) taught the invention substantially as claimed including a user based system and methods for personalizing the remote client to include user preferred configuration parameters (e.g., see col 37, (lines 22-25); col 38, (line 54 et seq); col 63, (lines 2-6); col 62, lines (62-68); col 61, lines (61-67); col 60, (lines 61-67); col 58, (line 15 et seq); col 57, (lines 20-65); col 31, line 15 et seq and many other places throughout the document) as recited in claims 1,8,15,22,29,30,38,43 and 44. Weber further taught establishing a communication link between the client and the service using the downloaded code (e.g., see col 57, (line 20 et seq); col 58 line 28 et seq); col 61, (lines 25-26); col 61, (lines 61-67); and col 62, (lines 15-18) and many other places throughout the document. Finally, newly entered claims recite authentication or

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verification features and Weber taught all of that as well (e.g., see col 37 (line 1 et seq); col 64, (line 52 et seq); and col, 57 (line 54 et seq.) . The gateway enabled providing services, e.g., like bank services to the customers. Reference even showed a reference to the Java applets (e.g., see figures 31-32.) It would have been to one of ordinary skill in the Internet art at the time of the invention that the claimed invention differed only by a degree from the teachings of Weber, e.g. the Weber taught his invention in the secure TCPIP environment which can be seen easily from the “.https” designation but this is an obvious variation of the standard TCPIP protocol and thus constitutes only difference in a degree. Other features are all obvious variations of the well known Internet art and they are rejected accordingly. Claims are ridiculously broad and reads on standard Internet practices. For example dependent claims recite accessing URLs. Using URLs to access in the Internet is a standard process.

5. Claims 1-30 and 38-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gish.

6. Gish (5,768,510) taught a client-server system wherein the server after authenticating the client sends or downloads the front end client program to the remote client's computer and then starts to execute the downloaded front end client program at the client node wherein the client front end program open a TCP/IP connection back to the server node to initiate message passing in order to run the applications (e.g., see col 18 line 19 et seq.). Gish also taught authenticating

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the user and all of the downloading the code and establishing a link back to the server (e.g., see col 23 line 28 et seq and col 47, line 53 et seq.) Gish further taught a service API (e.g., see col 23 line 6 et seq) as well as configuring or customizing a user interface to define a title by the page or to define where the applet would appear on the page or the like by configuring a configuration file which provides tags to define the necessary information (e.g., see col 47, (line 59 et seq); col 48, (line 1 et seq); and col 52, (line 1 et seq).) The user also could define which application to execute by configuring the properties file (col 52, lines 53-60.) It would have been to one of ordinary skill in the Internet art at the time of the invention that the claimed invention differed only by a degree from the teachings of Gish. Gish did not specified the application programs as services but this is no more than a label. The result is that the client was able to custom define an application in the remote server and configure and use it.

6. Applicant's arguments with respect to claims 1-30 and 38-50 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehmet Geckil whose telephone number is (703) 305-9676. The examiner can normally be reached on all days of the week from 8:00 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, , can be reached on (703)305-3817. The fax phone number for this Group is (703) 305-9564.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this final action should be mailed to:

Box AF

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Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Or:

(703) 308-5359 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal
Drive, Arlington, VA., Sixth Floor (Receptionist).

10/22/98



MEHMET B. GECKIL
PRIMARY EXAMINER